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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/782,616 | 02/12/2001 | Mark C. Pace | 19538-05563 | 9755 |
| 758 | 7590 | 12/31/2003 | EXAMINER | |
| FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041 | | | JONES, SCOTT E | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3713 | |

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/782,616

Applicant(s)

PACE ET AL.

Examiner

Scott E. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-23,25-69 and 71-111 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-23,25-69 and 71-111 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This office action is in response to the request for continued examination filed on October 10, 2003 in which applicant responds to the claim rejections. Claims 1, 3-23, 25-69, and 71-111 are pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 10, 2003 has been entered.

Drawings

3. New corrected drawings are required in this application because replacement drawing sheets in addition to the corrected drawings (figures 1 and 3) submitted on April 7, 2003 are required. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:

- On page 22, line 20, "papers" should be changed to "paggers".

Correction is required.

Claim Objections

5. Claim 71 is objected to because of the following informalities:

- In claim 71, lines 15-16, the language, "...to produce to the service attendant to message," is unclear. Applicant should amend the claim language to overcome the informality.

Correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 3, 4, 5, 6, 9, 16, 18, 23, 25, 26, 27, 28, 31, 38, 40, 45, 46, 47, 48, 49, 54, 61, 63, 68, 71, 78, 80, 91, 93, and 105 are rejected under 35 U.S.C. 102(e) as being anticipated by Kweitko et al. (U.S. 6,383,077).

Kweitko et al. discloses a computer assisted system and method useful in managing and directing the assignments of a pool of casino employees, game device service attendants and casino patron assistants, in accordance with the service requests issued by automated gaming machines either indicating the state of machine operation or the patron's request for attention issued at the machine via intra-casino communication devices which are serviced based on a logical process. Kweitko et al. discloses:

Regarding Claim 1:

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- a decisioning system (central station 111) communicatively coupled to the communication devices (portable communication devices 21-1 to 21-n) to receive the events (scheduling service request), and including a plurality of rules (rules/items 1 to 5, in column 3, lines 14-21) for scheduling the events for service, the decisioning system selecting a primary service attendant from a plurality of service attendants for servicing each event (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1);
- a communication system communicatively coupled to the decisioning system to transmit a message to the primary service attendant selected for an event, the message indicating the service location at which the event is to be serviced (Abstract, figures 1 and 5, column 2, lines 62-65, column 3, lines 39-46, column 4, lines 4-16, and claim 1); and
- a plurality of message receivers, used by the service attendants, the primary service attendant using a message receiver to receive the message from the communication system, wherein the service locations are gaming machines, and the communication devices communicate game events to a gaming machine management system (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1).

Regarding Claims 3 and 25:

- the gaming machines are slot machines, and the communication devices are interface boards (communication adaptor) that communicate slot events to the slot management system (central station 111) (Column 3, line 7, column 4, lines 52-56, and figure 3).

Regarding Claims 4 and 26:

- wherein the communication system is a two-way messaging system, whereby the message receivers can transmit and receive messages (Figures 1 and 2, and column 4, lines 49-59).

Regarding Claims 5, 27, and 47:

- the primary service attendant can accept or decline to service an event using the two-way message receiver (Column 3, lines 5-61 and column 6, lines 10-30), A primary service attendant accepts to service an event by pressing a service complete switch (41) which returns the attendant back to the pool of available employees (Figure 2).
- wherein: in response to the primary service attendant declining to service an event, the decisioning system selects a secondary service attendant for servicing the event, and the messaging system transmits a message to the secondary service attendant to service the event (Column 3, lines 5-61 and column 6, lines 10-30). A primary service attendant declines to service an event by virtue of processing another event. While processing another event, the primary service attendant is not made available from the pool of available employees.

Regarding Claims 6, 28, and 48:

- the primary service attendant can accept or decline to service an event using the two-way message receiver (Column 3, lines 5-61 and column 6, lines 10-30), A primary service attendant accepts to service an event by pressing a service complete switch (41) which returns the attendant back to the pool of available employees (Figure 2).
and

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- wherein: in response to the primary service attendant accepting to service an event, the decisioning system establishes the primary service attendant as being unavailable to service another event until the primary service provider completes service of the accepted event (Column 3, lines 5-61 and column 6, lines 10-30). A primary service attendant declines to service an event by virtue of processing another event. While processing another event, the primary service attendant is not made available from the pool of available employees.

Regarding Claims 9, 31, and 54:

- at least one rule for scheduling events according to a type of event (Column 3, lines 5-61). The logical sequencing for scheduling events are based on at least one of rules/items 1 to 5, in column 3, lines 14-21, such as, jackpot, machine out of coins, jammed, or some other failure state signal.

Regarding Claims 16, 38, and 61:

- at least one rule for scheduling events according to a location of the service location (Column 3, lines 52-58).

Regarding Claims 18, 40, and 63:

- at least one rule for selecting a service attendant for servicing an event based on a location of the service location which generated the event and an assigned location of the service attendant (Column 3, lines 5-61).

Regarding Claim 23:

- a computer implemented decision making means communicatively coupled to the plurality of communication means for receiving the events, the decision making

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means scheduling a primary service attendant from a plurality of service attendants for servicing each event using a plurality of rules (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1);

- a messaging means communicatively coupled to the decision making means for transmitting a message to the primary service attendant selected for an event, the message indicating the service location at which the event is to be serviced (Abstract, figures 1 and 5, column 2, lines 62-65, column 3, lines 39-46, column 4, lines 4-16, and claim 1); and
- a plurality of message receiving means, used by the service attendants, the primary service attendant using a message receiving means for receiving the messages from the messaging means, wherein the service locations are gaming machines, and the communication devices communicate game events to a gaming machine management system (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1).

Regarding Claim 45:

- means for transmitting from a gaming machine to a gaming machine management system a message pertaining to a game event at the gaming machine and for which a customer at the gaming machine needs service by a service attendant (Column 3, lines 5-61 and column 6, lines 30-51);
- means for receiving the transmitted message (Column 3, lines 5-61 and column 6, lines 30-51);

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- means, coupled to obtain the transmitted message from the receiving means, for scheduling the game event, using a plurality of scheduling rules, for servicing by a service attendant (Column 3, lines 5-61 and column 6, lines 30-51);
- means for selecting a first service attendant for servicing the scheduled event (Column 3, lines 5-61 and column 6, lines 30-51); and
- means for transmitting a message to the first service attendant identifying the gaming machine to be serviced for the game event (Column 3, lines 5-61 and column 6, lines 30-51).

Regarding Claim 46:

- transmitting from a communication device at a service location a message pertaining to an event at the service location and for which a customer at the service location needs service by a service attendant (Column 3, lines 5-61 and column 6, lines 30-51);
- receiving the transmitted message and scheduling the event, using a plurality of scheduling rules, for servicing by a service attendant (Column 3, lines 5-61 and column 6, lines 30-51);
- selecting a first service attendant for servicing the scheduled event (Column 3, lines 5-61 and column 6, lines 30-51); and
- transmitting a message to the first service attendant identifying the service location to be serviced for the event, wherein the service locations are gaming machines, and the communication device communicates game events to a gaming machine management system (Column 3, lines 5-61 and column 6, lines 30-51).

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Regarding Claim 49:

- wherein the message from the first service attendant is transmitted from a communication device fixed at the service location (Column 6, lines 31-51 and column 3, lines 5-21). For instance, in rule/item 1, when a player at a slot machine depresses the change button on the slot machine this information is communicated to central station 111.

Regarding Claim 68:

- receiving from the service location, event messages pertaining to service location events (Column 6, lines 31-51 and column 3, lines 5-21); For instance, in rule/item 1, when a player at a slot machine depresses the change button on the slot machine this information is communicated to central station 111.
- scheduling selected events for servicing by service attendants using a plurality of scheduling rules (Column 3, lines 5-61 and column 6, lines 30-51);
- selecting a service attendant for servicing each scheduled event (Column 3, lines 5-61 and column 6, lines 30-51); and
- for each scheduled event, transmitting a message to the selected service attendant identifying the service location to be serviced, wherein the service locations are gaming machines, and the service location events include a jackpot at a gaming machine (Column 3, lines 5-61 and column 6, lines 30-51).

Regarding Claim 71:

- a decisioning system for scheduling the events for service, by receiving the events from the communication devices and using a plurality of rules to select a primary

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service attendant for servicing each event, to produce a periodically updated event service schedule (Column 3, lines 5-61 and column 6, lines 30-51);

- a communication system for transmitting a message to the primary service attendant selected for an event, by way of a two-way communication network, to produce a message indicating to the primary service attendant the service location at which the event is to be serviced (Column 4, lines 49-59, column 3, lines 5-61, column 6, lines 30-51, and figures 1 and 2) ; and
- a plurality of message receivers, each service attendant having one of the message receivers, for receiving the message from the communication system, by way of the two-way communication network, to produce to the service attendant the message, wherein the service locations are gaming machines, and the communication devices communicate game events to a gaming machine management system (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1).

Regarding Claim 78:

- a decisioning system communicatively coupled to the communication devices to receive the events, and including a plurality of rules for scheduling the events for service, the decisioning system selecting a primary service attendant from a plurality of service attendants for servicing each event, wherein the rules of the decisioning system for scheduling events include at least one rule for scheduling events according to a location of the service location (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1);

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- a communication system communicatively coupled to the decisioning system to transmit a message to the primary service attendant selected for an event, the message indicating the service location at which the event is to be serviced (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1); and
- a plurality of message receivers, used by the service attendant, to receive the message from the communication system (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1).

Regarding Claim 80:

- a decisioning system communicatively coupled to the communication devices to receive the events, and including a plurality of rules for scheduling the events for service, the decisioning system selecting a primary service attendant for servicing each event, wherein the rules of the decisioning system for scheduling events include at least one rule for selecting a service attendant for servicing an event based on a location of the service location which generated the event and an assigned location of the service attendant (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1);
- a communication system communicatively coupled to the decisioning system to transmit a message to the primary service attendant selected for an event, the message indicating the service location at which the event is to be serviced (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1); and

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- a plurality of message receivers, used by the service attendant, to receive the message from the communication system (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1).

Regarding Claim 91:

- a computer implemented decision making means communicatively coupled to the plurality of communication means for receiving the events, the decision making means scheduling a primary service attendant for servicing each event using a plurality of rules, wherein the rules of the decision making means for scheduling events include at least one rule for scheduling events according to a location of the service location (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1);
- a messaging means communicatively coupled to the decision making means for transmitting a message to the primary service attendant selected for an event, the message indicating the service location at which the event is to be serviced (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1); and
- a plurality of message receiving means, used by the primary service attendant, for receiving the messages from the messaging means (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1).

Regarding Claim 93:

- a computer implemented decision making means communicatively coupled to the plurality of communication means for receiving the events, the decision making

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means scheduling a primary service attendant for servicing each event using a plurality of rules, wherein the rules of the decision making means for scheduling events include at least one rule for selecting a service attendant for servicing an event based on a location of the service location which generated the event and an assigned location of the service attendant (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1);

- a messaging means communicatively coupled to the decision making means for transmitting a message to the primary service attendant selected for an event, the message indicating the service location at which the event is to be serviced (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1); and
- a plurality of message receiving means, used by the primary service attendant, for receiving the messages from the messaging means (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1).

Regarding Claim 105:

- transmitting from a communication device at a service location a message pertaining to an event at the service location and for which a customer at the service location needs service by a service attendant (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1);
- receiving the transmitted message and scheduling the event, using a plurality of scheduling rules, for servicing by a service attendant, wherein the scheduling rules include at least one rule for scheduling events according to a location of the service

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location (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1);

- selecting a first service attendant for servicing the scheduled event (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1); and
- transmitting a message to the first service attendant identifying the service location to be serviced for the event (Abstract, column 2, line 58-column 3, line 60, column 5, lines 12-23, figure 1, and claim 1).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 10-15, 21, 22, 32-37, 43, 44, 55-60, 66, 67, 72-77, 83-90, 96, 97, 99-102, 110, and 111 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kweitko et al. (U.S. 6,383,077) in view of Boushy et al. (U.S. 6,003,013).

Kweitko et al. discloses that as discussed above regarding claims 1, 3, 4, 5, 6, 9, 16, 18, 23, 25, 26, 27, 28, 31, 38, 40, 45, 46, 47, 48, 49, 54, 61, 63, 68, 71, 78, 80, 91, 93, and 105.

However, Kweitko et al. seems to lack explicitly disclosing:

Regarding Claims 10, 32, 55, 72, 85, and 99:

- the rules of the decisioning system for scheduling events include at least one rule for scheduling events according to a value of the customer at the service location that generated the event.

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Regarding Claims 11, 33, 56, 73, 86, and 100:

- the customer value is based on potential revenue generated by the customer.

Regarding Claims 12, 34, 57, 74, 87, and 101:

- the customer value is based on a theoretical win profile of the customer.

Regarding Claims 13, 35, 58, 75, 88, and 102:

- the customer value is based upon a room rate occupied by the customer.

Regarding Claims 14, 36, 59, 76, 89, and 103:

- the customer value is based upon a type of room occupied by the customer.

Regarding Claims 15, 37, 60, 77, 90, and 104:

- the customer value is based on a number of persons in a party associated with the customer.

Regarding Claims 21, 43, 66, 83, 96, and 110:

- a customer database, communicatively coupled to the decisioning system and containing customer records indicating for each customer a measure of the customer's value and customer's identification number, the decisioning system receiving from a service location a customer identification number and querying the customer database with the received customer identification number to obtain the measure of the customer's value, the decisioning system scheduling the event for service according to the obtained customer value.

Regarding Claims 22, 44, 67, 84, 97, and 111:

- each service location includes a customer identification card reader, for reading a customer identification card reader, for reading customer identification number from a customer identification card.

Boushy et al. teaches of a customer worth differentiation system for customer tracking and recognition program that provides various enhanced physical instrumentalities and distinguished services to a customer based upon the customer's worth to the casino. Boushy et al. and Kweitko et al. are analogous art because both require systems to manage and communicate messages to service attendants who service patrons at gaming machines at casinos. Boushy et al. further teaches:

Regarding Claims 10, 32, 55, 72, 85, and 99:

- the rules of the decisioning system for scheduling events include at least one rule for scheduling events according to a value of the customer at the service location that generated the event (Abstract, Figures 3, 4, 10, 13, Column 1, line 16-Column 3, line 53, Column 9, line 47-Column 10, line 18, and Column 14, line 50-60).

Regarding Claims 11, 33, 56, 73, 86, and 100:

- the customer value is based on potential revenue generated by the customer (Abstract, Figures 3, 4, 10, 13, Column 1, line 16-Column 3, line 53, Column 9, line 47-Column 10, line 18, and Column 14, line 50-60) .

Regarding Claims 12, 34, 57, 74, 87, and 101:

- the customer value is based on a theoretical win profile of the customer (Abstract, Figures 3, 4, 10, 13, Column 1, line 16-Column 3, line 53, Column 9, line 47-Column 10, line 18, and Column 14, line 50-60) .

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Regarding Claims 13, 35, 58, 75, 88, and 102:

- the customer value is based upon a room rate occupied by the customer (Abstract, Figures 3, 4, 10, 13, Column 1, line 16-Column 3, line 53, Column 9, line 47-Column 10, line 18, and Column 14, line 50-60). Boushy et al. teaches the customer's worth is based on the customer's gaming and non-gaming activity. For instance, customer value is based on customer data obtained from the hotel guests (178) and lodging system management systems (238) shown in figure 3.

Regarding Claims 14, 36, 59, 76, 89, and 103:

- the customer value is based upon a type of room occupied by the customer (Abstract, Figures 3, 4, 10, 13, Column 1, line 16-Column 3, line 53, Column 9, line 47-Column 10, line 18, and Column 14, line 50-60). Boushy et al. teaches the customer's worth is based on the customer's gaming and non-gaming activity. For instance, customer value is based on customer data obtained from the hotel guests (178) and lodging system management systems (238) shown in figure 3.

Regarding Claims 15, 37, 60, 77, 90, and 104:

- the customer value is based on a number of persons in a party associated with the customer (Abstract, Figures 3, 4, 10, 13, Column 1, line 16-Column 3, line 53, Column 9, line 47-Column 10, line 18, and Column 14, line 50-60). Boushy et al. teaches the customer's worth is based on the customer's gaming and non-gaming activity. For instance, customer value is based on customer data obtained from the hotel guests (178) and lodging system management systems (238) shown in figure 3.

Regarding Claims 21, 43, 66, 83, 96, and 110:

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- a customer database, communicatively coupled to the decisioning system and containing customer records indicating for each customer a measure of the customer's value and customer's identification number, the decisioning system receiving from a service location a customer identification number and querying the customer database with the received customer identification number to obtain the measure of the customer's value, the decisioning system scheduling the event for service according to the obtained customer value (Abstract, Figures 3, 4, 10, 13, Column 1, line 16-Column 3, line 53, Column 9, line 47-Column 10, line 18, and Column 14, line 50-60).

Regarding Claims 22, 44, 67, 84, 97, and 111:

- each service location includes a customer identification card reader, for reading a customer identification card reader, for reading customer identification number from a customer identification card (Abstract, Figures 3, 4, 10, 13, Column 1, line 16-Column 3, line 53, Column 9, line 47-Column 10, line 18, and Column 14, line 50-60).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate Boushy's customer worth differentiation system in Kweitko. One would be motivated to do so because by differentiating the value of a customer in a casino one can further provide distinguished services to the valued customer, such as improved food and beverage services, and slot change or slot fill services.

Double Patenting

10. Claims 1, 3-23, 25-69, and 71-111 of this application conflict with claims 1-48 and 52-75 of Application No. 09/782,677. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

11. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

12. Claims 1, 3-23, 25-69, and 71-111 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-48 and 52-75 of copending Application No. 09/782,677. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

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Response to Arguments

13. Applicant's arguments with respect to claims 1, 3-23, 25-69, and 71-111 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Blad '374 and Wynn et al. '271 disclose gaming device monitoring and service systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Thursday, 6:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703) 308-1327. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Scott E. Jones
Examiner
Art Unit 3713



sej